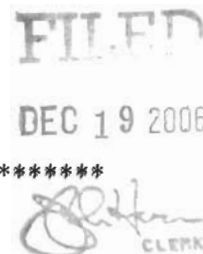


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION



BRYAN WHITEPIPE,

CIV. 06-3018

Petitioner,

-vs-

OPINION AND ORDER

DOUGLAS WEBER, Warden
S.D. State Penitentiary,

Respondent.

Bryan W. Whitepipe, petitioner, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 (Doc. 1). This court permitted petitioner to proceed in forma pauperis (Doc. 4) and ordered the respondent to answer. Respondent answered (Doc. 9) and supplied a supporting memorandum of law (Doc. 10). I referred the matter to United States Magistrate Judge Moreno (Doc. 12) pursuant to 28 U.S.C. §636(b)(1)(B). Petitioner, although not authorized to do so, filed a reply (Doc. 14) to respondent's answer.

The magistrate has served and filed a report and recommendation (Doc. 15). The respondent has filed an objection (Doc. 17) to the report and recommendation and also states respondent has no objection to granting additional time to petitioner. Petitioner has filed a motion (Doc. 19) to extend the time to reply and make objections and such motion should be granted.

Now, therefore,

IT IS ORDERED, as follows:

- 1) The motion (Doc. 19) of petitioner is granted.
- 2) The time for filing and serving objections to the report and recommendation is extended until February 15, 2007.

Dated this 19th day of December, 2006.

BY THE COURT:


CHARLES B. KORNMANN
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY 

DEPUTY

(SEAL)